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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF JEREMIAH CHASS, MARK
CHASS, YVETTE CHASS, and I.C., a minor,
by and through his Guardian Ad Litem,
YVETTE CHASS,

Plaintiffs,

v.

COUNTY OF SONOMA, BILL COGBILL, in
his individual capacity and in his official
capacity as Sheriff for the COUNTY OF
SONOMA, SONOMA COUNTY DEPUTY
SHERIFF JOHN MISITA, SONOMA COUNTY
DEPUTY SHERIFF JIM RYAN, and DOES 1
through 50,

Defendants.

CASE NO.: CV 08 0111 MMC

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT OF
PLAINTIFFS AND DEFENDANTS**

Date: 4/18/08

Time: 10:30 a.m.

Ctrm.: 7

Honorable Maxine M. Chesney

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SHEA,
O'DONNELL,
GRATTAN &
MITCHELL
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1 1. Jurisdiction:

2 The court has jurisdiction over plaintiffs' federal claim; plaintiffs' pendent state claims arise
3 from the same incident and thus are within the jurisdiction of this court.

4 2. Factual Background:

5 On March 12, 2007, decedent Jeremiah Chass, age 16, was shot and killed during a struggle
6 with two Sheriff Deputies. Plaintiffs are the surviving mother, father, and brother of the decedent.

7 The evening before the incident, the parents of the decedent sought emergency medical
8 treatment for decedent, as he was experiencing symptoms of acute mental illness, but were advised,
9 by the Acute Psychiatric Unit of Santa Rosa Memorial Hospital, to wait until the morning to be
10 evaluated.

11 Plaintiffs allege that Jeremiah Chass' death was the result of excessive force; defendants
12 contend that Jeremiah was armed with a knife, that he posed an imminent threat of great bodily
13 harm or death, and that the use of deadly force was lawful. Plaintiffs also assert a 42 U.S.C. § 1983
14 claim for the loss of familial relations. Plaintiffs also allege Monell claims against the County and
15 the Sheriff, alleging that the County's policies and practices were moving forces behind the
16 violations of Constitutional rights. Defendants deny said claims.

17 3. Issues:

18 Whether the force used was excessive or unlawful?

19 Whether defendants are liable to plaintiffs under State law negligence claims?

20 Whether the individual defendants are entitled to qualified immunity?

21 Whether or not defendants were deliberately indifferent to plaintiffs?

22 If plaintiffs' rights were violated by defendants, to what extent did plaintiffs suffer damage?

23 Whether policies, customs, or practices of the County and the Sheriff were the moving force
24 behind the plaintiffs' injuries?

25 Whether punitive damages should be awarded against any of the individual defendants?

26 Whether Mark Chass has standing to assert wrongful death claims?

27 Whether defendants' actions were privileged under State law?

28 Whether the State law claims are barred by statutory immunities?

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2 Whether any other persons' or entities' negligence caused or contributed to the decedent's
3 death?

4 4. Motions:

5 Defendants intend to file dispositive motions under Rule 56. Defendants may also file a
6 motion to bifurcate the Monell claims from the remaining claims.

7 5. Amendment of Pleadings:

8 Defendants need to conduct initial discovery to determine whether or not an indemnity
9 cross-complaint against additional parties may be appropriate. Defendants request approximately
10 90 – 120 days as a deadline to file an indemnity cross-complaint, if any. Plaintiffs' request the
11 Court allow 90 days.

12 6. Evidence Preservation:

13 Defendants' counsel has instructed defendants to preserve all relevant evidence.

14 Plaintiffs will preserve any evidence in their possession, including the min-van in which the
15 shooting took place.

16 The parties have agreed that any critical evidence (excluding purely personal belongings
17 which have no evidentiary value) obtained by the Santa Rosa Police Department as part of its
18 investigation may remain in its custody and control, under the understanding that each side will
19 have reasonable access to the same, with due notice to the other side.

20 7. Disclosures:

21 Both parties will comply with initial disclosure requirements pursuant to FRCP 26. In that
22 respect, defendants will provide to plaintiffs a copy of the investigative report prepared by SRPD.
23 Plaintiffs agree that the names of witnesses set forth therein do not need to be separately identified.
24 Certain portions of the investigative material will be produced pursuant to the Northern District's
25 form Stipulated Protective Order, which the parties will present to the Court at the CMC. Plaintiffs
26 shall provide list of witnesses and other pertinent material in their possession and control.

27 8. Discovery:

28 The parties agree to the following discovery plan:

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A. Depositions – each side will be limited to 6 depositions prior to September 1, 2008, with the parties to conduct a private mediation in September, 2008. In the event the matter is not resolved through mediation, each side will be limited to an additional 24 depositions, absent further agreement or good cause. The length of any deposition shall not exceed 7 hours, absent further agreement or good cause.

B. Written Interrogatories – the parties agree to be limited to 25 interrogatories for each side, absent further agreement or good cause.

C. Document Requests – the parties agree to be limited to 25 document requests for each side, absent further agreement or good cause.

D. Request for Admissions - the parties agree to be limited to 25 requests for admission for each side, absent further agreement or good cause.

The parties agree to conclude lay discovery by January 31, 2009, absent further agreement or good cause.

9. Class Actions:

Not applicable.

10. Related Case:

None.

11. Relief:

Plaintiffs seek damages for the wrongful death of Jeremiah Chass, including funeral and burial expenses, loss of familial relationships, including loss of love, companionship, comfort, affection, consortium, society, and moral support, punitive damages and attorney's fees.

12. Settlement and ADR:

The parties agree to private mediation to be conducted in September, 2008, and that each side will be limited to 6 depositions prior to the mediation.

13. Consent to Magistrate Judge For All Purposes:

Not applicable.

14. Other References:

Not applicable.

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1 15. Narrowing of Issues:

2 Defendants anticipate that the issues of qualified immunity and deliberate indifference will
3 need to be addressed by a motion for summary judgment prior to trial. Defendants also anticipate
4 filing a motion to bifurcate the Monell claims, since Monell liability can only be established if there
5 is first a finding of an underlying constitutional violation.

6 16. Expedited Schedule:

7 Not applicable.

8 17. Scheduling:

9 Defendants request that the Court not set a trial date for another 90 days, due to the potential
10 for an indemnity cross-complaint, and that a trial date be set at another Case Management
11 Conference to be set approximately 100 days from now. Plaintiffs request that the Court set a trial
12 date at this time.

13 Both sides agree that if the Court sets a trial date at this time, that it be set for late June or
14 early July, 2009, with lay discovery cut-off of January 31, 2009, designation of experts per Rule 26
15 by no later than February 27, 2009, rebuttal experts no later than March 13, 2009, expert discovery
16 cutoff by April 10, 2009, and dispositive motions by April 24, 2009.

17 18. Trial:

18 Jury trial has been demanded by both parties.

19 The parties anticipate a 10 – 15 day trial.

20 19. Disclosure of Non-party interested Entities or Persons:

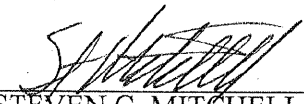
21 None – the parties shall file the Certification required by Local Rule 3-16 by the time of the
22 Case Management Conference.

23 20: Other matters:

24 None at this time.


1 DATED: April 7, 2008

GEARY, SHEA, O'DONNELL, GRATTAN &
MITCHELL, P.C.

3
4 By 
STEVEN C. MITCHELL
Attorneys for Defendants

6 DATED: April 8, 2008

CASPER, MEADOWS, SCHWARTZ & COOK

8
9 By 
ANDREW C. SCHWARTZ
Attorneys for Plaintiffs

11 DATED: April 8, 2008

ABBEY, WEITZENBERG, WARREN & EMERY

13
14 By /s/ - "Patrick Emery"
PATRICK EMERY
Attorneys for Plaintiffs

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